



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,882	05/23/2001	Takaaki Amano	100809-16256(SCET 18.691)	9462

7590 12/07/2004

KATTEN MUCHIN ZAVIS ROSENMAN  
575 MADISON AVENUE  
NEW YORK,, NY 10022-2585

EXAMINER
----------

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/863,882

Applicant(s)

AMANO ET AL.

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-9 have been examined. Application 09/863,882 has a filing date 05/23/2001 and foreign information 05/24/2000.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Ikeda et al (U.S. 5,937,391).

As per claim 1, Ikeda teaches:

A server apparatus for applying a point (incentive point) by which a service can be received in response to an amount of said point to be used in a Web site, comprising:

network means for connection a first apparatus and a second apparatus, said first apparatus being related to a person who shares cost required to provide a service, and said second apparatus being related to a person who applies a point (see column 4, lines 1-25);

applicable point number storage means for calculating an applicable point number based upon a point number responding to the cost shared by the person related to the first apparatus which is notified from said first apparatus, and also an applied

Art Unit: 3622

point number, and for storing there into the calculated applicable point number (see column 6, lines 29-40; column 11, lines 50-55);

advertisement storage means for storing there into information used to display an advertisement with respect to the person concerning said first apparatus (see column 6, lines 29-40);

display point determining means for determining a point number to be displayed on said advertisement within said applicable point number in accordance with a predetermined rule (see column 6, lines 29-40);

Web server means for producing a Web page which displays the advertisement with respect to the person concerning said first apparatus, to which the determined point number has been applied under selectable condition, and for displaying the produced Web page on said second apparatus (see column 6, lines 29-55); and

applied point managing means for storing there into said point applied to said advertisement and said second apparatus in relation to each other when the selection of said advertisement is accepted from said second apparatus (see column 6, lines 29-50).

As per claim 2, Ikeda teaches:

A server apparatus as claimed in claim 1 wherein:

said server apparatus is further comprises;

online shopping means (see column 5, lines 46-54); and

said service responding to the amount of said point to be used corresponds to a discount service of purchased goods in the online shopping (see column 5, lines 22-55).

As per claim 3, Ikeda teaches:

A program product capable of operating a computer as such a server apparatus for applying a point (incentive point) by which a service can be received in response to an amount of said point to be used in a Web site, wherein:

said program product causes the computer to execute:

a network process for connection a first apparatus and a second apparatus, said first apparatus being related to a person who shares cost required to provide a service, and said second apparatus being related to a person who applies a point (see column 4, lines 3-34);

an applicable point number storage process for calculating an applicable point number based upon a point number responding to the cost shared by the person related to the first apparatus, and also an applied point number which is notified from said first apparatus, and for storing there into the calculated applicable point numbers an advertisement storage process for storing there into information used to display an advertisement related to the person concerning said first apparatus (see column 6, lines 29-65);

a display point determining process for determining a point number to be displayed on said advertisement within said applicable point number in accordance with a predetermined rule (see column 6, lines 29-65);

a Web server process for producing a Web page which displays the advertisement related to the person concerning said first apparatus, to which the determined point number has been applied under selectable condition, and for

Art Unit: 3622

displaying the produced Web page on said second apparatus (see column 6, lines 29-67); and

an applied point managing process for storing there into said point applied to said advertisement and said second apparatus in relation to each other when the selection of said advertisement is accepted from said second apparatus (see column 6, lines 29-67).

As per claim 4, Ikeda teaches:

A method for applying to an advertisement viewer, a point by which a service can be received in response to an amount of said point to be used in a Web site, comprising:

a step in which as to cost which is notified via a network from an advertisement provider who snares cost required to provide a service, an applicable point number is calculated based upon both a point number in response to the cost shared by the advertisement provider and also a point number which has been applied to the advertisement viewer, and then, the calculated applicable point number is stored in an applicable point number storage means (see column 6, lines 29-67):

a step in which a point number to be displayed on the advertisement of said advertisement provider is determined within the applicable point number in accordance with a point applicable rule which has been previously stored in the storage means (see column 6, lines 29-67):

a step in which a Web page which displays the advertisement of said advertisement provider, to which the determined point number is applied, under selectable condition to the advertisement viewer, is produced and then, the produced

Art Unit: 3622

Web page is transmitted to a terminal of the advertisement provider (see column 6, lines 29-67) and

a step in which when said advertisement is selected by the terminal of said advertisement provider, both the point number applied to said advertisement and the advertisement viewer are stored into a storage means in relation to each other (see column 6, lines 29-67).

As per claim 5, Ikeda teaches:

A point applying method as claimed in claim 4 wherein said point applying method is further comprises:

a step for accepting a purchase proposal of goods via a network and said service responding to the amount of said point to be used corresponds to a discount service of purchased good in the on-line shopping (see column 12, lines 1-20).

As per claim 6, Ikeda teaches:

A service providing method for providing a service to a customer in response to a point (incentive point) applied to the customer when an order is accepted in on-line shopping for accepting an order via a network, wherein:

a cost sharing person who shares cost as to said service corresponds to a person who invests his money in a sales person who sells goods in the on-line shopping (see column 6, lines 29-67); and

said cost sharing person is separated from the sales person (see column 4, lines 19-26).

As per claim 7, Ikeda teaches:

Art Unit: 3622

A service providing method as claimed in claim wherein:

the sales person executes such a process operation that an advertisement with respect to the cost sharing person is presented under selectable condition to the customer prior to the acceptance of the order (see column 4, lines 1-25; column 11, lines 1-54).

As per claim 8, Ikeda teaches:

A service providing method as claimed in claim 7 wherein:

a point application to a customer is carried out by accepting the selection of the advertisement with respect to said cost sharing person, which is presented under selectable condition (see column 11, lines 35-54).

As per claim 9, Ikeda teaches:

A service providing method as claimed in any one of claims 6 to 8 wherein:

the service responding to the amount of said point is to discount a purchase price of the ordered goods (see column 3, lines 61-67).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

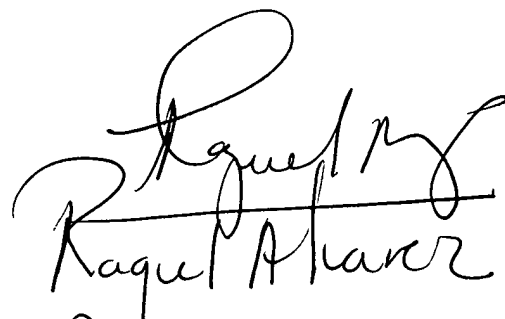


Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
November 27, 2004

  
Raquel Alvarez  
Primary Examiner  
AU 3622